

ARTICLE 2. PIPELINE SAFETY

Editor's Note: The Arizona Corporation Commission has determined that the following Section is exempt from the Attorney General certification provisions of the Arizona Administrative Procedure Act (A.R.S. § 41-1041) by a court order (State ex. rel. Corbin v. Arizona Corporation Commission, 174 Ariz. 216 848 P.2d 301 (App. 1992)).

R14-5-201. Definitions

As used in this Article:

1. "Abandon" means disconnecting the pipeline from all sources and supplies of gas, purging the gas within the pipeline being disconnected, and capping all ends.
2. "Building" means any structure intended for supporting or sheltering any occupancy.
3. "Business District" means an area where the public congregate for economic, industrial, religious, education, health, or recreational purposes, and 2 or more buildings used for these purposes are located within 100 yards of each other.
4. "Commission" means the Arizona Corporation Commission.
5. "Intrastate pipeline" means all pipeline facilities included in the definition of "pipeline system" that are used by public service corporations to transport natural gas, other gas, or hazardous liquids within Arizona, that are not used to transport gas or hazardous liquids in interstate or foreign commerce. This includes, without limitation, any equipment, facility, building, or other property used or intended for use in transporting gas or hazardous liquids.
6. "Master meter system" means physical facilities for distributing gas within a definable area where the operator purchases metered gas from a public service corporation to provide gas service to 2 or more buildings other than at a single family residence.
7. "Operator" means a person that owns or operates a pipeline system or master meter system.
8. "Person" means any individual, firm, joint venture, partnership, corporation, association, cooperative association, joint stock association, trustee, receiver, assignee, personal representative, the state, or any political subdivision thereof.
9. "Pipeline system" means all parts of those physical facilities that are used by public service corporations through which natural gas, liquefied natural gas ("LNG"), other gases or hazardous liquids move in transportation including, but not limited to, pipes, compressor units, metering stations, regulator stations, delivery stations, holders and fabricated assemblies.
10. "Office of Pipeline Safety" means the Pipeline Safety personnel for the Commission.

11. "Sandy type soil" means sand no larger than "coarse" as defined by ASTM D-2487-83 (1983 Edition), incorporated herein by reference and on file with the Office of the Secretary of State.

12. "State" means the State of Arizona and all lands within its boundaries.

13. "Structure" means that which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner.

14. "Transport" or "transportation" of gas, LNG, or hazardous liquids is the gathering, transmission, distribution and storage of gas, LNG, or hazardous liquids by pipeline within the State.

Historical Note

Adopted effective October 23, 1987 (Supp. 87-4). Amended Paragraph (5) effective February 3, 1989 (Supp. 89-1). Amended effective July 25, 1994, under a court-ordered exemption as determined by the Arizona Corporation Commission (Supp. 94-3). Amended by exempt rulemaking at 5 A.A.R. 3693, effective September 17, 1999 (Supp. 99-3).

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R14-5-202. Construction and Safety Standards

A. Applicability: This rule applies to the construction, reconstruction, repair, operation, and maintenance of all intrastate natural gas, other gas, and hazardous liquid pipeline systems.

B. Subject to the definitional changes in R14-5-201 and the revisions noted in subsection (C), the Commission adopts, incorporates, and approves as its own 49 CFR 40, 191, 192 except I(2) and (3) of Appendix D to Part 192, 193, 195, except 195.1(b)(2) and (3), and 199, revised as of November 4, 1998 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.

C. The above mentioned incorporated Parts of 49 CFR, except Parts 191 and 195, Subpart B, are revised as follows:

1. Substitute "Commission" where "Office of Pipeline Safety, Research and Special Programs Administration" or "Office of Pipeline Safety" (OPS) appear.

2. Substitute "Office of Pipeline Safety, Arizona Corporation Commission, at its office in Phoenix, Arizona" where addresses for the Information Systems Manager, Materials Transportation Bureau, Department of Transportation or Office of Chief Counsel appear.

D. Operators of an intrastate pipeline will file with the Commission an Operation and Maintenance Plan (O & M), including an emergency plan, 30 days prior to placing a pipeline system into operation. Any changes in existing plans will be filed within 30 days of the effective date of the change.

E. Operators of an intrastate pipeline transporting sour gas or oil are subject to industry standards addressing facilities handling hydrogen sulfide (H₂S). Standards adopted are:

1. NACE standard MR-01-75 (1980 Revision); materials equipment-sulfide stress cracking resistant metallic material for oil field equipment, incorporated by reference and on file with the Office of the Secretary of State.
2. API RP55 (1981 Edition); API recommended practice for conducting oil and gas production operations involving hydrogen sulfide, incorporated by reference and on file with the Office of the Secretary of State.

F. Operators of an intrastate pipeline transporting hazardous liquid, natural gas, or other gas will not construct any part of a hazardous liquid, natural gas, or other gas pipeline system under a building. For building encroachments over a pipeline system, the operator will discontinue service within 180 days of discovery, or will submit to the Office of Pipeline Safety within 90 days of discovery a written plan to resolve the encroachment. The Office of Pipeline Safety may then extend the 180-day requirement in order to allow the ratepayer and the operator to implement the written plan to resolve the encroachment.

G. Operators of an intrastate pipeline transporting hazardous liquid, natural gas, or other gas pipeline system will not construct any part of a pipeline system closer than 8 inches to any other underground structure. If the 8 inch clearance cannot be maintained from other underground structures, a sleeve, casing, or shielding shall be used.

H. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system, that have regulators, meters, or regulation meter sets that have been out of service for 36 months will abandon those lines and cap all ends.

I. Operators of an intrastate pipeline shall not install or operate a gas regulator that might release gas in its operation closer than 3 feet to a source of ignition, opening into a building, air intake into a building, or to any electrical source not intrinsically safe. The 3-foot clearance from a source of ignition will be measured from the vent or source of release (discharge port), not from the physical location of the meter set assembly. This subsection shall not be effective with respect to building permits that are issued and subdivisions that are platted prior to October 1, 2000.

J. Operators of an intrastate pipeline system transporting natural gas, other gases, or hazardous liquid will utilize a cathodic protection system designed to protect the metallic pipeline in its entirety, in accordance with 49 CFR 192, Subpart I, November 4, 1998 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975, except I(2) and (3) of Appendix D to Part 192 shall not be utilized.

K. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system will not use solvent cement to join together plastic pipe manufactured from different materials unless the operator utilizes a joining procedure in accordance with the specifications of 49 CFR 192, Subpart F, November 4, 1998 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.

L. Operators of an intrastate pipeline transporting hazardous liquid, natural gas, or other gas pipeline system will not install Acrylonitrile-Butadiene-Styrene (ABS) or aluminum pipe in their systems.

M. Operators of an intrastate pipeline transporting hazardous liquid, natural gas, or other gas pipeline systems will not install plastic pipe aboveground unless the plastic pipeline is protected by a metal casing, or equivalent, and approved by the Office of Pipeline Safety. Temporary aboveground plastic pipeline bypasses are permitted for up to 60 days, provided that the plastic pipeline is protected and is under the direct supervision of the operator at all times.

N. Operators of an intrastate pipeline transporting hazardous liquid, natural gas, or other gas pipeline system who construct a pipeline or any portion thereof using plastic pipe, will install, at a minimum, a 14-gauge coated or corrosion resistant, electrically conductive wire as a means of locating the pipe while it is underground. Tracer wire shall not be wrapped around the plastic pipe. Tracer wire may be taped, or attached in some manner to the pipe provided that the adhesive or the attachment is not detrimental to the integrity of the pipe wall.

O. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system who construct an underground pipeline using plastic pipe, will bury the installed pipe with a minimum of 6 inches of sandy type soil surrounding the pipe for bedding and shading, free of any rock or debris, unless otherwise protected and approved by the Office of Pipeline Safety.

P. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system who construct an underground pipeline using plastic pipe will install the pipe with sufficient slack to allow for thermal expansion and contraction. In addition, all plastic pipe shall be marked CD or CE as required by ASTM D2513-95c (1995c Edition and no future editions), incorporated by reference, on file with the Office of the Secretary of State, and copies available from ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, for areas where the service temperature is above 100°F.

Q. Operators of an intrastate pipeline system transporting hazardous liquid, natural gas, or other gases shall qualify welding procedures and shall perform welding of steel pipelines in accordance with API Standard 1104. Each welder must be qualified in accordance with API Standard 1104. The qualification of welders delineated in 49 CFR 192, appendix C may be used for low stress level pipe.

R. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system shall survey and grade all detected leakage by the following guide: ASME Guide for Gas Transmission and Distribution Pipeline System Guide Material, Appendix G-11-1983 except 4.4(c) (1983 Revision), incorporated by reference and on file with the Office of the Secretary of State. ("Should" as referenced in the Guide will be interpreted to mean "shall"). Leakage survey records shall identify in some manner each pipeline surveyed. Records shall be maintained to demonstrate that the required leakage survey has been conducted.

S. All repair work performed on existing intrastate pipeline transporting natural gas or other gas pipeline system will comply with the provisions of this Article.

T. The Commission may waive compliance with any of the aforementioned parts upon a finding that such a waiver is in the interest of public and pipeline safety.

U. To ensure compliance with provisions of this rule the Commission or an authorized representative thereof may enter the premises of an operator of an intrastate pipeline to inspect and investigate the property, books, papers, business methods, and affairs that pertain to the pipeline system operation.

V. All other Commission administrative rules are superseded to the extent they are in conflict with the pipeline safety provisions of this Article.

Historical Note

Adopted effective October 23, 1987 (Supp. 87-4). Amended Subsections (B), (I) and (J) effective February 3, 1989 (Supp. 89-1). Amended effective December 18, 1991 (Supp. 91-4). Amended effective July 25, 1994, under a court-ordered exemption as determined by the Arizona Corporation Commission (Supp. 94-3). Amended effective August 30, 1996, under a court-ordered exemption as determined by the Arizona Corporation Commission (Supp. 96-3). Amended effective September 26, 1997, under a court-ordered exemption as determined by the Arizona Corporation Commission (Supp. 97-3). Amended by exempt rulemaking at 5 A.A.R. 3693, effective September 17, 1999 (Supp. 99-3).

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R14-5-203. Pipeline Incident Reports and Investigations

A. Applicability. This rule applies to all intrastate pipeline systems.

B. Required incident reports by telephone:

1. Operators of an intrastate pipeline transporting natural gas or other gas pipeline system will notify by telephone the Office of Pipeline Safety upon discovery of the occurrence of any of the following:

a. The release of natural gas, other gas, or liquefied natural gas (LNG) from a pipeline or LNG facility, when any of the following results:

i. Death or personal injury requiring hospitalization.

ii. An explosion or fire not intentionally set by the operator.

- iii. Property damage, including the value of the gas lost, estimated in excess of \$5,000.
 - b. Emergency transmission pipeline shutdown.
 - c. News media inquiry.
 - d. Overpressure of a pipeline system where a pipeline operating at less than 12 PSIG exceeds MAOP by 50%, where a pipeline operating between 12 PSIG and 60 PSIG exceeds MAOP by 6 PSIG, or where a pipeline operating over 60 PSIG exceeds MAOP plus 10%.
 - e. Permanent or temporary discontinuance of gas service to a master meter system or when assisting with the isolation of any portion of a gas master meter system.
 - f. Emergency shutdown of an LNG process or storage facility.
- 2. Operators of an intrastate pipeline transporting hazardous liquid will notify by telephone the Office of Pipeline Safety upon discovery of the occurrence of any of the following:
 - a. Death or personal injury requiring hospitalization.
 - b. An explosion or fire not intentionally set by the operator.
 - c. Property damage estimated in excess of \$5,000.
 - d. Pollution of any land, stream, river, lake, reservoir, or other body of water that violates applicable environmental quality, water quality standards, causes a discoloration of the surface of the water or adjoining shoreline, or deposits sludge or emulsion beneath the surface of the water or upon adjoining shorelines.
 - e. News media inquiry.
- 3. Telephone incident reports will include the following information:
 - a. Name of the pipeline system operator,
 - b. Name of the reporting party,
 - c. Job title of the reporting party,
 - d. The reporting party's telephone number,
 - e. Location of the incident,
 - f. Time of the incident, and
 - g. Fatalities and injuries, if any.

C. Require written incident report:

- 1. Operators of an intrastate pipeline transporting natural gas, LNG, or other gases will file a written incident report when an incident occurs involving a natural gas or other gas pipeline that results in any of the following:
 - a. An explosion or fire not intentionally set by the operator.
 - b. Injury to a person that results in 1 or more of the following:
 - i. Death.
 - ii. Loss of consciousness.

iii. Need for medical treatment requiring hospitalization.

- c. Property damage, including the value of the lost gas, estimated in excess of \$5,000.
- d. Emergency transmission pipeline shutdown.
- e. Overpressure of a pipeline system where a pipeline operating at less than 12 PSIG exceeds MAOP by 50%, where a pipeline operating between 12 PSIG and 60 PSIG exceeds MAOP by 6 PSIG, or where a pipeline operating over 60 PSIG exceeds MAOP plus 10%.
- f. Emergency shutdown of an LNG process or storage facility.

2. Written incident reports concerning natural gas or other gas pipeline systems will be in the following form:

- a. RSPA F7100.1 - Distribution System: Incident Report, incorporated by reference and on file with the Office of the Secretary of State.
- b. RSPA F7100.2 - Transmission and Gathering System: Incident Report, incorporated by reference and on file with the Office of the Secretary of State.

3. Operators of an intrastate pipeline transporting hazardous liquid will make a written incident report on DOT Form 7000-1, incorporated by reference and on file with the Office of the Secretary of State, when there is a release of hazardous liquid which results in any of the following:

- a. An explosion or fire not intentionally set by the operator.
- b. Injury to a person that results in 1 or more of the following:

i. Death.

ii. Loss of consciousness.

iii . Inability to leave the scene of the incident unassisted.

iv. Need for medical treatment.

v. Disability that interferes with a person's normal daily activities beyond the date of the incident.

- c. The loss of 50 or more barrels of hazardous liquid.
- d. The escape of more than 5 barrels of highly volatile liquids into the atmosphere.
- e. Property damage estimated in excess of \$5,000.
- f. News media inquiry.

4. Written incident reports as required in this Section will be filed with the Office of Pipeline Safety, within the time specified below:

- a. Natural gas, LNG, or other gas - within 20 days after detection.
- b. Hazardous liquids - within 15 days after detection.

5. The operators shall also file a copy of all DOT required written incident reports with the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590.

6. Operators of a natural gas or other gas system will request a clearance from the Office of Pipeline Safety prior to turning on or reinstating service to a master meter operator.

D. Investigations by the Commission:

1. The Office of Pipeline Safety will investigate the cause of incidents resulting in death or serious injury.
2. Pursuant to an investigation under this rule, the Commission, or an authorized agent thereof, may:
 - a. Inspect all plant and facilities of a pipeline system.
 - b. Inspect all other property, books, papers, business methods, and affairs of a pipeline system.
 - c. Make inquiries and interview persons having knowledge of facts surrounding an incident.
 - d. Attend, as an observer, hearings and formal investigations concerning pipeline system operators.
 - e. Schedule and conduct a public hearing into an incident.
3. The Commission may issue subpoenas to compel the production of records and the taking of testimony.
4. Incidents not reported in accordance with the provisions of this rule will be investigated by the Office of Pipeline Safety.
5. Incidents referred to in incomplete or inaccurate reports will be investigated by the Office of Pipeline Safety.
6. Late filed incident reports will be accompanied by a letter of explanation. Incidents referred to in late filed reports may be investigated by the Office of Pipeline Safety.

Historical Note

Adopted effective October 23, 1987 (Supp. 87-4). Amended effective December 18, 1991 (Supp. 91-4). Amended effective September 26, 1997, under a court-ordered exemption as determined by the Arizona Corporation Commission (Supp. 97-3). Amended by exempt rulemaking at 5 A.A.R. 3693, effective September 17, 1999 (Supp. 99-3).

R14-5-204. Annual Reports

A. Except for operators of an intrastate pipeline transporting LNG or hazardous liquid, all other intrastate pipeline operators will file with the Office of Pipeline Safety, not later than March 15, for the preceding calendar year, the following appropriate report(s):

1. RSPA F7100.1-1 (November 1985 Edition and no future editions) - "Annual Report for Calendar Year 19____, Gas Distribution System" and "Instructions for Completing RSPA Form F7100.1-1, Annual Report for Calendar Year 19____, Gas Distribution System", incorporated herein by reference, on file with the Office of the Secretary of State, and copies available from the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 8417, 400 Seventh Street, S.W., Washington, D.C. 20590.

2. RSPA F7100.2-1 (November 1985 Edition and no future editions) - "Annual Report for Calendar Year 19____, Gas Transmission and Gathering Systems" and "Instructions for Completing Form RSPA F7100.2-1, Annual Report for Calendar Year 19____, Gas Transmission and Gathering Systems", incorporated herein by reference, on file with the Office of the Secretary of State, and copies available from the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Room 8417, 400 Seventh Street, S.W., Washington, D.C. 20590.

B. The operator will also file a copy of all required annual reports by March 15 to the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation, Washington, D.C. 20590.

Historical Note

Adopted effective October 23, 1987 (Supp. 87-4). Amended effective December 18, 1991 (Supp. 91-4). Amended by exempt rulemaking at 5 A.A.R. 3693, effective September 17, 1999 (Supp. 99-3).

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R14-5-205. Master Meter System Operators

A. Applicability. This rule applies to the construction, reconstruction, repair, emergency procedures, operation and maintenance of all master meter systems as a condition of receiving service from public service corporations. Noncompliance with this rule by operators of a master meter system shall constitute grounds for termination of service by the public service corporation when informed in writing by the Office of Pipeline Safety. In case of an emergency, the Office of Pipeline Safety may give the public service corporation oral instructions to terminate service, with written confirmation to be furnished within 24 hours.

B. Subject to the definitional changes in R14-5-201 and the revisions noted in subsection (C), the Commission adopts, incorporates, and approves as its own 49 CFR 191 and 192, revised as of November 4, 1998 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.

C. The above mentioned incorporated parts of 49 CFR, except Part 191, are revised as follows:

1. Substitute "Commission" where "Office of Pipeline Safety, Research and Special Programs Administration", or "Office of Pipeline Safety" (OPS) appear.
2. Substitute "Office of Pipeline Safety, Arizona Corporation Commission, at its office in Phoenix, Arizona" where addresses for the Information Resources Manager, Office of Pipeline Safety, Research and Special Programs Administration, U.S. Department of Transportation or Office of Chief Counsel appear.

D. Operators of a master meter will establish an Operation and Maintenance Plan (O & M) including an emergency plan. The plans must be maintained at the master meter location.

E. Operators of a master meter system will not construct any part of a natural gas or other gas system under a building or permit a building to be placed over a pipeline. Within 180 days of discovery of a building being located over a pipeline, the operator shall remove the building from over the pipeline, relocate the pipeline, or discontinue the service to the pipeline located under the building.

F. Operators of a master meter system will not install Acrylonitrile-Butadiene-Styrene (ABS) or aluminum pipe in their systems.

G. Operators of a master meter system will not use solvent cement to join together plastic pipe manufactured from different materials unless the operator utilizes a joining procedure in accordance with the specifications of 49 CFR 192, Subpart F, August 14, 1995 (and no future amendments), incorporated by reference, on file with the Office of the Secretary of State, and copies available from the United States Government Printing Office, P.O. Box 371975M, Pittsburgh, Pennsylvania 15250-7975.

H. Operators of a master meter system who construct a pipeline or any portion thereof using plastic pipe will install, at a minimum, a 14-gauge coated or corrosion resistant, electrically conductive wire as a means of locating the pipe while it is underground. Tracer wire shall not be wrapped around the plastic pipe. Tracer wire may be taped or attached in some manner to the pipe provided that the adhesive or the attachment is not detrimental to the integrity of the pipe wall.

I. Operators of a master meter system who construct an underground pipeline using plastic pipe, will bury the installed pipe with a minimum of 6 inches of sandy type soil for bedding and shading, free of any rock or debris, unless otherwise protected and approved by the Office of Pipeline Safety.

J. Operators of a master meter system who construct an underground pipeline using plastic pipe will install the pipe with sufficient slack to allow for thermal expansion and contraction. In addition, all plastic pipe shall be marked CD or CE as required by ASTM D2513-95c (1995c Edition and no future editions), incorporated by reference, on file with the Office of the Secretary of State and copies available from ASTM, 1916 Race Street, Philadelphia, Pennsylvania 19103-1187, for areas where the service temperature is above 100°F.

K. Operators of a master meter gas system shall qualify welding procedures and shall perform welding of steel pipelines in accordance with API Standard 1104. Each welder must be qualified in accordance with API Standard 1104.

L. All repair work performed on existing master meter systems will comply with the provisions of this Article.

M. Operators of a master meter system will not construct any part of a natural gas or other gas system closer than 8 inches to any other underground structure.

N. Operators of a master meter system will file a Notice of Construction 30 days prior to commencement of the construction of any pipeline. The Notice will contain the following information:

1. The dates of construction,
2. The size and type of pipe to be used,
3. The location of construction, and
4. The Maximum Allowable Operating Pressure (MAOP).

O. Operators of a master meter system will perform leakage surveys at intervals not exceeding 15 months but at least once each calendar year and will survey and grade all detected leakage by the following guide -- ASME Guide for Gas Transmission and Distribution Pipeline Guide Material, Appendix G-11-1983 (1983 Revision), except 4.4(c), incorporated by reference, on file with the Office of the Secretary of State, and copies available from ASME, United Engineering Center, 345 East 47th Street, New York, New York 10017. ("Should" as referenced in the guide will be interpreted to mean "shall".) Leak detection procedures shall be approved by the Office of Pipeline Safety.

P. Operators of a master meter system will file an annual report with the Commission on Commission Form 1-90/15M (1990 Edition and no future editions), "Annual Report for Calendar Year 19____, Small Operators of Gas Distribution System," incorporated by reference, on file with the Office of the Secretary of State, and copies available from the Arizona Corporation Commission, Office of Pipeline Safety, 1200 West Washington, Phoenix, Arizona 85007. This report will be filed with the Office of Pipeline Safety not later than April 15 for the preceding calendar year.

Q. The Commission may waive compliance with any of the aforementioned parts upon a finding that such a waiver is in the interest of public safety.

R. To ensure compliance with provisions of this rule, the Commission or an authorized representative thereof, may enter the premises of an operator of a master meter system to inspect and investigate the property, books, papers, business methods, and affairs that pertain to the operation of the master meter system.

S. All other Commission administrative rules are superseded to the extent they are in conflict with the pipeline safety provisions of this Article.

Historical Note

Adopted effective October 23, 1987 (Supp. 87-4). Amended subsections (B) and (G) effective February 3, 1989 (Supp. 89-1). Amended effective December 18, 1991 (Supp. 91-4). Amended effective July 25, 1994, under a court-ordered exemption as determined by the Arizona Corporation Commission (Supp. 94-3). Amended effective August 30, 1996, under a court-ordered exemption as determined by the Arizona Corporation Commission (Supp. 96-3). Amended effective September 26, 1997, under a court-ordered exemption as determined by the Arizona Corporation Commission (Supp. 97-3). Amended by exempt rulemaking at 5 A.A.R. 3693, effective September 17, 1999 (Supp. 99-3).